IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

Crl.MC.No. 2925 of 2007()

CRIME NO. 43/07 OF BALUSSERI POLICE STATION

PETITIONER: DEFACTO COMPLAINANT

PRASEETHA, D/O.CHANDUKUTTY,
PULIKKI POYIL HOUSE, ELETTIL PO,
KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: ACCUSED/STATE

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1. JAYAPRAKASH, S/O.SREEDHARAN,
CHALIL PURAYIL HOUSE,
UNNIKULAM AMSOM, PUNNUR DESOM,
KOYILANDY TALUK, KOZHIKODE.

2. JANAKI, W/O.SREEDHARAN,
RESIDING DO.

3. SUB INSPECTOR OF POLICE,
BALUSSERI POLICE STATION.

R3 BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2925 of 2007

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Dated this the 20th day of September, 2007

O R D E R

The petitioner is the defacto complainant in a prosecution, inter alia, under Section 498A I.P.C. The accused in that prosecution are respondents 1 and 2 herein, her husband and her mother-in-law. Cognizance was taken on the basis of the final report submitted by the police. The crime, in turn, was registered on the basis of a private complaint filed by the petitioner before the learned Magistrate, which the learned Magistrate was pleased to refer to the police under Section 156(3) Cr.P.C. The case has been registered as C.C. 288 of 2007. The proceedings are pending before the learned J.F.C.M. -II, Perambra.

2. The learned counsel for the petitioner submits that the petitioner has now settled all her disputes with respondents 1 and 2. The marital tie has been dissolved by an order of the court. All monetary and other disputes have been settled. Continuance of the prosecution is hence unnecessary. It pollutes the relationship between the petitioner and the respondents.

3. The learned counsel for the petitioner vouches that the petitioner is the complainant in C.C. 288 of 2007 i.e. Crime 43 of 2007 and that the petitioner has settled all her disputes with the respondents amicably. The learned P.P. raised no objection.

4. I am satisfied that this is a fit case where powers under Section 482 Cr.P.C. can be invoked to bring about premature termination of this prosecution under Section 498A I.P.C. The dictum in **B.S. Joshi** v. **State of Haryana** (AIR 2003 SC 1386) lays down that such invocation is possible notwithstanding the fact that Section 498A I.P.C. is not a compoundable offence under S.320 Cr.P.C.

5. This Crl.M.C. is accordingly allowed. C.C. 288 of 2007 pending before the J.F.C.M.-II, Perambra against respondents 1 and 2 is hereby quashed.

6. Hand over copy of the order.

(R. BASANT)
Judge

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